

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HAMZA GHAITH, Derivatively on Behalf of
Nominal Defendant ATI PHYSICAL
THERAPY, INC. f/k/a FORTRESS VALUE
ACQUISITION CORP. II,

Plaintiff,

v.

LABEED DIAB, JOSEPH JORDAN, JOHN
L. LARSEN, JOHN MALDONADO,
CARMINE PETRONE, JOANNE M. BURNS,
CHRISTOPHER KRUBERT, JAMES E.
PARISI, ANDREW A. MCKNIGHT, JOSHUA
A. PACK, AARON F. HOOD, CARMEN A.
POLICY, MARC FURSTEIN, LESLEE
COWEN, RAFEKET RUSSAK-AMINOACH,
and SUNIL GULATI,

Defendants,

And

ATI PHYSICAL THERAPY, INC. f/k/a
FORTRESS VALUE ACQUISITION CORP. II,

Nominal Defendant.

Case No. 1:21-cv-06415

Judge Sara L. Ellis

JOINT STATUS REPORT

Plaintiff Hamza Ghaith (“Plaintiff”), Nominal Defendant ATI Physical Therapy, Inc. (“ATI” or the “Company”) f/k/a Fortress Value Acquisition Corp. II, and Defendants Labeed Diab, Joseph Jordan, John L. Larsen, John Maldonado, Carmine Petrone, Joanne M. Burns, Christopher Krubert, James E. Parisi, Andrew A. McKnight, Joshua A. Pack, Aaron F. Hood, Carmen A. Policy, Marc Furstein, Leslee Cowen, Rakefet Russak-Aminoach, and Sunil Gulati (collectively,

“Defendants,” and with Plaintiff and ATI, the “Parties”) respectfully submit this Joint Status Report pursuant to the Court’s January 31, 2022 docket entry. Dkt. No. 22.

I. Motion for Reassignment

On February 1, 2022, the Parties jointly moved pursuant to Local Rule 40.4 for an order (a) designating this action as related to *Burbige, et al. v. ATI Physical Therapy, Inc. f/k/a Fortress Value Acquisition Corp. II, et al.*, Case No. 1:21-cv-04349 (the “Securities Class Action”), and (b) reassigning this action to Judge Edmond E. Chang, before whom the Securities Class Action is pending (the “Motion for Reassignment”). *See* Securities Class Action Docket No. 50.

On February 3, 2022, Lead Plaintiffs in the Securities Class Action opposed the Motion for Reassignment. *See* Securities Class Action Docket No. 51.

On February 9, 2022, the Parties filed a joint reply in further support of the Motion for Reassignment. *See* Securities Class Action Docket No. 59.

The Motion for Reassignment remains pending before Judge Chang. *See* Securities Class Action Docket No. 64.

II. Motion To Stay and/or Dismiss

The Parties are continuing to discuss a potential consensual stay of this action and the parameters of any such stay. Once the Motion for Reassignment has been decided, the Parties will promptly submit either: (a) a joint motion to stay this action; or (b) a briefing schedule for any motion(s) to dismiss the complaint.

Dated: March 22, 2022

Respectfully submitted,

/s/ Carl V. Malmstrom

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Counsel for Plaintiff Hamza Ghaith

Dated: March 22, 2022

/s/ Jason M. Rosenthal

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Dated: March 22, 2022

/s/ Charles F. Smith

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